

**RESERVOIR MANAGEMENT PLAN**  
**FOR**  
**HICKORY LOG CREEK RESERVOIR,**  
**CANTON, GEORGIA**  
**2009**

**Prepared for:**

**THE CITY OF CANTON**  
**&**  
**COBB COUNTY-MARIETTA WATER AUTHORITY**

**By:**

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**May 21, 2009**

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**WHEREAS**, the City of Canton, Georgia (the "City") and the Cobb County-Marietta Water Authority (the "Authority") recognizes that securing safe and reliable sources of water is essential for continued growth, to meet water needs in periods of drought, and to meet the increasing demand of residential, business, and industrial uses. The City and the Authority also recognizes that available water resources are limited, those limited resources are further restricted by environmental concerns and that the cost of developing safe and reliable water resources is high. Therefore, if increasing water needs are to be met at a reasonable cost, immediate steps must be taken to ensure that necessary supplies of water will be available in the future.

**WHEREAS**, the City and the Authority, in response to critical water shortages caused by droughts of recent years and ever increasing demand, determined that the most practical and least environmentally damaging method of assuring a safe and reliable source of water for its customers is to construct a water impoundment project on the waters of Hickory Log Creek. The reservoir, known as the Hickory Log Creek Reservoir (the "Reservoir"), lies wholly within the City.

**WHEREAS**, in connection with the development of the Reservoir the City and the Authority will acquire certain lands by fee simple ownership and certain easement rights for the development of Hickory Log Creek Reservoir and surrounding areas, and resolve to provide for the protection of Project Lands and Waters in order to assure a safe and reliable supply of raw water and to protect the quality thereof.

**WHEREAS**, the City and the Authority were issued a Section 404 Permit for the Reservoir from the U.S. Army Corps of Engineers on May 5, 2004. As a condition of the Section 404 Permit, the City and the Authority must submit a Reservoir Management Plan to the Environmental Protection Division for approval.

**WHEREAS**, in fulfillment of the City's and the Authority's obligation and commitment to protect the water quality of the Reservoir, the City and the Authority have devised this "Reservoir Management Plan for Hickory Log Creek Reservoir" and the associated "Rules and Regulations Governing Public Use of Hickory Log Creek Reservoir." As used herein "Plan" and "Rules and Regulations" shall mean the aforesaid documents, respectively, and all amendments thereto. The purpose of the Plan and the associated Rules and Regulations is to set out the activities permitted in adjacent areas as well as the activities prohibited thereon.

**NOW THEREFORE**, the City of Canton, Georgia, and the Cobb County-Marietta Water Authority hereby adopt this Reservoir Management Plan which provides as follows:

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**SECTION 1.00      DEFINITIONS.**

**“Authority”** – The Cobb County-Marietta Water Authority.

**“Board”** – The Board of Directors of the Cobb County-Marietta Water Authority.

**“Board of Managers”** – The managing board of the Hickory Log Creek Reservoir, consisting of the General Manager of the Cobb County-Marietta Water Authority and the City Manager of the City of Canton.

**“Boat Ramp”** - A ramp built on the shore into the water as a launching place for boats or vessels. -Except for two boat ramps maintained by or for the City, boat ramps are prohibited.

**“City”** – See City of Canton, Georgia

**“City of Canton, Georgia”** – A political subdivision of the State of Georgia, acting by and through its duly elected and qualified Council.

**“Cobb County-Marietta Water Authority”** – A political subdivision of the State of Georgia and a public corporation, acting by and through its members.

**“Commercial Activity”** – any type of business or activity which is carried on for a profit.

**“Council”** – The City Council of Canton, Georgia.

**“Dock”** - A platform built out from the shore into the water built on posts/pilings or floating supports used as a landing place for vessels, a strolling place, for fishing, etc. Except for one dock maintained by or for the City, docks are prohibited.

**“Flood Buffer Area”** – The area lying between the 1060’ MSL line and the 1070’ MSL line.

**“Flotation Device”** – Any device, structure, or other non-motorized item, which may be used as a means of buoyant transportation on the surface of the water. Examples include, but are not limited to, floats, tubes, barrels, Styrofoam blocks, and pontoons.

**“Forest Litter”** – Downed trees, and limbs, not inclusive of leaves and pine needles on the forest floor.

**“Hickory Log Creek Reservoir”** – The water impoundment project consisting of the impoundment of waters from Hickory Log Creek located in Canton, Georgia. Also referred to as the “Reservoir.”

**“Impervious Surface”** – A man made structure or surface which prevents the infiltration of water into the ground below the structure or surface. Examples include, but are not limited

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**“Impervious Surface”** – A man made structure or surface which prevents the infiltration of water into the ground below the structure or surface. Examples include, but are not limited

to, buildings, roads, driveways, parking lots, swimming pools, and patios.

**“MSL”** – Mean Sea Level, the level of the ocean’s surface halfway between the high and low tide, used as a standard in measuring land elevation.

**“Natural Buffer Area”** – The area extending a distance of 150 feet horizontally from and parallel to the boundary of the 1060’ MSL line to be maintained as a natural buffer.

**“Partners”** – See “Project Partners.”

**“Plan”** – See “Reservoir Management Plan.”

**“Private Lands”** – All property not owned in fee simple by the Partners.

**“Private Shoreline Areas”** – Private Shoreline Areas consist of Project Lands which have not been expressly designated Prohibited Access Areas, Public Recreation Areas, or Protected Shoreline Areas. See Section 5.04 of this Plan.

**“Prohibited Access Areas”** – All areas designated as “Prohibited Access” in order to promote physical safety and/or to protect the environment. See Section 5.01 of this Plan.

**“Project”** – The Hickory Log Creek Reservoir water impoundment project and related water treatment and recreation areas.

**“Project Lands”** – Project Lands consist of all real property acquired and owned in fee simple by the Partners in and around the Reservoir (“Reservoir Lands”), as well as those portions of Private Lands over which the Partners have acquired specific easement or covenant rights for flood, access, buffer, environmental and water quality protection purposes. Project Lands shall include all land lying within 150 feet of the 1060’ MSL line adjacent to the Reservoir and are subject to restrictive covenants of public record intended to protect the water quality and environment of the Project. Project Lands create a natural buffer which can be disturbed only as provided for herein or as permitted under Section 6.00 of this Plan.

**“Project Partners”** – The City and the Authority.

**“Project Waters”** – That area located within the normal pool level of the Reservoir at 1060’ MSL measuring approximately 411 acres.

**“Protected Shoreline Areas”** – All areas designated as “Protected Shoreline” in order to protect aesthetic, environmental, fish and wildlife values. See Section 5.03 of this Plan.

**“Public Recreation Areas”** - All areas designated for public use and recreation by the City. *(these areas shall be owned only by the City)* See Section 5.02 of this Plan.

**“Reservoir”** – See “Hickory Log Creek Reservoir.”

**“Reservoir Lands”** - All land acquired in fee simple by the Partners for the construction, maintenance, and operation of the Hickory Log Creek Reservoir and all related improvements and facilities.

**“Reservoir Management Plan of Hickory Log Creek Reservoir”** – This document and all amendments thereto. Also referred to as the “Plan.”

**“Reservoir Manager”** – The employee of the City who will be appointed by the Project Partners to perform the duties set out herein within the Project Lands for the purposes of enforcing the Plan and the Rules and Regulations. The Reservoir Manager shall report to and serve at the pleasure of the City Manager. Unless otherwise indicated herein, the term “Reservoir Manager” shall include the authorized representatives of the Reservoir Manager. The Reservoir Manager shall have the authority to enforce this Plan, and the Rules and Regulations in the City of Canton.

**“Rules and Regulations Governing Public Use of Hickory Log Creek Reservoir”** – The Rules and Regulations associated with this Plan. Also referred to as the “Rules and Regulations.”

**"Site Plan"** - A prerequisite to most forms of development within the Project Lands. See Section 6.06 of this Plan.

**“Utility”** - Utility refers to public or private systems of water and sewer piping systems, water and sewer pumping stations and treatment systems, electric power lines, fuel pipelines, cable television and telephone lines, roads, driveways, bridges, river and lake access facilities, storm water systems, railroads, and other utilities identified by local government.

**“Vessel”** – A boat, jet ski, canoe or other craft, motorized or non-motorized, used, or capable of being used, in navigation on water. All vessels allowed on Project Waters are subject to state boating regulations in regards to registration.

**“Zoning allocation”** – For the purpose of this Plan, Project Lands and Waters are divided into four types of zones to which varying degrees of restriction apply. These restrictions are imposed by the City in exercise of its ownership and easement rights for the stated purposes and objectives of this Plan and should not be confused with the Zoning Ordinances or Watershed Protection Districts adopted by Canton, Georgia, pursuant to its police powers.

**SECTION 2.00**      **BACKGROUND.**

Hickory Log Creek Reservoir is a water impoundment project designed to assure an adequate and reliable supply of clean, safe water to meet the present and future needs of the customers of the City and the Authority. The Reservoir consists of a water impoundment project on the waters of Hickory Log Creek having a normal pool elevation of 1060' MSL, a water surface of approximately 411 acres, easements for flood, access, buffer, environmental and water quality area protection purposes, and additional land that has been acquired by easement or in fee simple.

**SECTION 3.00**      **OBJECTIVES.**

The primary and overriding objective of this Plan is to preserve and protect the quality of water in the Reservoir. Subordinate objectives are to regulate the management, protection, and preservation of the Reservoir's shoreline and environment; to establish and maintain acceptable fish and wildlife habitat, aesthetic quality, and natural environmental conditions; to protect Project Waters and adjacent Private Lands; and to accommodate the safe and healthful use of Project Lands and Waters for recreational purposes by the general public.

While some highly regulated uses of Project Lands and Waters are compatible with the primary objective of water quality protection, any individual use, public or private, otherwise permissible under the terms of this Plan or the Rules and Regulations may be limited, regulated, denied, or prohibited, and ordered removed by the Project Partners on the recommendation of the Reservoir Manager.

No provision hereof shall be construed to permit anything prohibited by the Water Supply Watershed Rules (Ga. E.P.D. Rules, Chapter 391-3-16-01 Criteria for Water Supply Watersheds), zoning ordinances or other land use ordinances established by the City of Canton, Georgia. **ALL OTHER FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS REMAIN IN FULL FORCE AND EFFECT WHERE APPLICABLE.**

**SECTION 4.00**      **AUTHORITY AND JURISDICTION.**

The Reservoir is wholly owned in fee simple by the Project Partners and lies wholly within the City. The Project Partners also possess certain easement and covenant rights surrounding the Reservoir for flood, access, buffer, environmental, and water quality protection purposes.

Each provision of this Plan shall be applicable to all Project Lands as herein defined. This Plan, all rights of the Project Partners herein contained, and all restrictions herein imposed may be administered, exercised, and enforced by the Project Partners and their agents and employees. The agents and employees of the Project Partners are authorized to assist in the enforcement of this Plan.



## **SECTION 5.00      GENERAL SHORELINE ALLOCATION.**

The use of Project Lands and Waters, along with development of adjacent private properties, prompted the creation of this Plan for the protection of Project Lands and Waters. The Reservoir Manager, with the approval of the Project Partners, shall designate various areas of the Reservoir and shoreline as Prohibited Access Areas, Public Recreation Areas, Protected Shoreline Areas, and Private Shoreline Areas. The areas so designated are shown and delineated on Exhibit "A" attached hereto and further described as follows:

### **Section 5.01    Prohibited Access Areas.**

This classification is established for the protection of Project operations and ecosystems and to provide for the physical safety of visitors to the Project. This classification includes certain hazardous locations, areas near dams or spillways, and environmentally sensitive areas such as fish spawning beds. Certain areas adjacent to or near the Reservoir may be classified as mitigation areas and are intended to remain in their natural state so far as possible to mitigate the adverse effects on the environment resulting from the Project. These areas are to be left undisturbed, and public access shall be prohibited. Except for access by the Reservoir Manager and emergency personnel, land access, boating, and mooring of any vessels or flotation devices are prohibited in these areas. The Project Partners may construct a boat ramp in Prohibited Access Areas to provide access for the Reservoir Manager, emergency personnel, and law enforcement; provided there are no more than two docks and boat ramps on the lake.

### **Section 5.02    Public Recreation Areas.**

The primary management concern in Public Recreation Areas is to provide sites suitable for quality recreational experiences with facilities that are vandal-resistant, reasonably safe, and large enough to support normal weekend use during the peak recreation season.

To avoid any adverse impact upon water quality, any proposed development or landscape alteration of any kind within a Public Recreation Area must be reviewed and permitted by the City. Parking areas should generally drain away from the lake. The City shall be allowed to construct a maximum of one dock and one boat ramp in Public Recreation Areas. Water quality considerations shall outweigh recreational concerns and water pool elevation drop during extreme drought periods.

No activity shall be permitted in these areas unless expressly authorized by this Plan. Private Shoreline Area Use Permits shall not be granted in Public Recreation Areas. Permit procedures and requirements are outlined in Section 6.00.

Features of the Public Recreation Areas should be accessible to the handicapped.

### **Section 5.03 Protected Shoreline Areas.**

Protected Shoreline Areas are designated primarily to protect aesthetic, environmental, fish and wildlife values. Shorelines may also be designated in this classification for physical protection reasons, such as heavy siltation, rapid dewatering, or exposure to high winds and currents. Land access and boating are permitted along these shorelines, provided aesthetic, environmental, and natural resource values are not damaged or destroyed. No vessels or flotation devices may be moored in these areas. Modification of land formations or vegetative communities by individuals in Protected Shoreline Areas shall be permitted only after due consideration of the effects of such action on the environmental and physical characteristics of the area. Public safety and fire prevention are the principle concerns along common boundaries fronting Protected Shoreline Areas. Permit procedures and requirements are outlined in Section 6.00.

### **Section 5.04 Private Shoreline Areas.**

Private Shoreline Areas consist of Project Lands which have not been expressly designated Prohibited Access Areas, Public Recreation Areas, or Protected Shoreline Areas. Public pedestrian traffic and other public use of Private Shoreline Areas are strictly prohibited. Land access, boat launching, and mooring of any vessels or floatation devices by anyone is strictly prohibited. Upon issuance of a permit, certain specific uses, hereinafter set forth, of Private Shoreline Areas may be made by the fee simple owner of the Private Land. Permit procedures and requirements are outlined in Section 6.00.

### **Section 6.00 Permits.**

Project Lands and Waters must be regulated to fulfill the primary purpose of the Project, to encourage proper utilization of Project Lands and Waters, and to promote public safety. This Section describes the activities that may be allowed and when permits are required. All permit requests must be submitted to the Reservoir Manager who shall review and issue or deny the permit within 30 days of receipt of the request. The Reservoir Manager may seek the advice of the DNR-EPD Water Quality Program whenever a requested permit may potentially affect water quality. Each permit application shall be reviewed and considered solely on its individual merits. All applicants shall be notified in writing of the reason for any denial of a permit request.

#### **Section 6.01 Special Event Permits.**

Examples of activities requiring Special Event Permits include, without limitation, fishing tournaments, family reunions, and company or corporate outings. In determining whether or not to grant a Special Event Permit, the Reservoir Manager shall consider all relevant factors including, without limitation, environmental laws and regulations; regulatory guidance; public safety; availability of space; effect on the rights of others; and the nature, duration, and extent of the proposed activity. Permits issued by the Reservoir Manager for special events

do not relieve the permittee from the necessity of obtaining similar local or state authorizations, if required.

*A.* Special Event Permits are required for use of Public Recreation Areas whenever more than 12 persons are involved in a proposed activity.

*B.* Special Event Permits are required for use of the Project Waters whenever more than 12 vessels are involved in a proposed activity.

*C.* The public shall not be charged any fee by the sponsor of such event unless the Reservoir Manager has approved in writing (and the sponsor has properly posted) the proposed schedule of fees.

*D.* The Reservoir Manager shall have authority to revoke permission and require removal of any equipment from Project Lands or Waters upon failure of the sponsor to comply with the terms and conditions of the permit/permission or the Rules and Regulations.

#### **Section 6.02 Specified Acts Permits.**

Specified Acts Permits are required for the performance of certain minor, one-time acts such as the removal of hazardous trees or noxious plants such as poison oak, ivy, or sumac; the planting of native species; the placement or erection of limited shoreline protection devices; etc. The Specified Acts Permit application shall detail the requested work including the methods to be employed, completion schedule, location, equipment to be used, if any, and a plan for restoration of Project Lands, if necessary. A simple drawing or plan including photographs may be required. The Specified Acts Permit shall be issued for one-time events only. Each request for a Specified Acts Permit shall be reviewed based on all relevant factors including, without limitation, those enumerated in Section 6.01.

#### **Section 6.03 Point-Source Sedimentation Permits.**

Activities such as dredging; riprapping; construction of outfall lines, intake structures, other fixed structures, and retaining walls; fill; and the discharge of dredged or fill material; etc., into the Reservoir may be permitted only if it is not prohibited by the Reservoir Management Plan, the Rules and Regulations, and Federal, state, or local law.

Point-source sedimentation violations that directly impact Hickory Log Creek Reservoir may be reported to the Reservoir Manager, at (770) 704-1500 or the Georgia Department of Natural Resources at (404) 545-7404.

#### **Section 6.04 Private Shoreline Area Use Permits.**

Private Shoreline Area Use Permits are required for certain long-term uses of Private Shoreline Areas. Certain activities or uses such as agricultural use or the cutting of grass may be continued if such activities or uses are a continuation of the landowner's current activities or uses as of the date of the enactment of this Plan and such current activity or use does not

pose an undue hazard to water quality or the environment. Structures placed on Project Lands via a Private Shoreline Area Use Permit shall be treated as private property on Project Lands for the term of such permits.

**Section 6.04.01      Eligibility Requirements.**

Private Shoreline Area Use Permits shall only be issued to the fee simple owner of the underlying Private Land. Proof of ownership may be presumptively established by submitting a certified copy of a recorded deed. Failure to provide satisfactory proof of ownership shall result in denial of a permit.

No such permit shall be issued to any person under the age of 18.

Permits shall not be issued for speculative purposes or for enhancement of the value of private property. The permittee must be the ultimate user of any facilities or structures permitted.

Property owners may establish a community facility where common access to Project Lands is provided for members of a specific subdivision or members of a club only. However, public roads or Private Lands through which the public has unrestricted access, such as areas set aside as subdivision park lands or common access points for all subdivision residents, shall not be recognized as access for obtaining an individual permit.

**Section 6.04.02      Site Requirements.**

Permits shall not be issued in Private Shoreline Area locations where there are archeological sites, historical sites, endangered species habitat(s), or federal jurisdictional wetlands. Every effort will be made to zone such locations "Prohibited Access Areas".

**Section 6.04.03      Duration of Permits.**

Private Shoreline Area Use Permits are temporary in nature and may contain expiration dates. Those permits issued without a specific termination date shall be issued for a one-year period, but shall be automatically renewed from year to year, subject to the Project Partners' right to inspect such use and terminate such permit or give notice of non-renewal thereof for any reason whatsoever, but especially when such use is found to be in a state of disrepair, creates a health or safety danger, or is no longer functional.

Permits are not transferable and shall automatically lapse upon a conveyance of the underlying Private Land.

## **Section 6.05 Handicapped-Accessible Facility Requirements.**

Handicapped-accessible facilities for Public Recreation Areas will be developed in accordance with the requirements of law. Should further needs arise, each case or need shall be reviewed on its own merits. To qualify for special consideration, the individual must be eligible for federal or state assistance. Every effort will be made to grant permits to those who meet eligibility requirements; except that site conditions may limit the Reservoir Manager's ability to accommodate every applicant. Due to safety considerations, rail and ski-lift type facilities shall not be authorized.

## **Section 6.06 Site Plan**

### **Section 6.06.01 Site Plan Requirements.**

Except as provided in subsection 6.06.03, below, all forms of development within Project Lands shall be required to have a site plan submitted and approved by the Reservoir Manager according to this Plan before any rezoning requests or building permits may be approved or any land disturbing activity may take place. Each site plan submitted shall include the following:

1. A site plan drawn to scale and showing all planned improvements including width, depth, and length of all existing and proposed structures; roads; water courses; drainage ways; water, wastewater, and storm water facilities; and utility installations;
2. Location, dimension, and area of all impervious surfaces, both existing and proposed, on the site;
3. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or body of water;
4. Elevations of the site and adjacent lands within two hundred (200) feet of the site at contour intervals of no greater than five (5) feet;
5. Erosion and Sedimentation Control Plan; and
6. Any facility in the process of expanding shall provide location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic waste.

### **Section 6.06.02 Activity Compliance.**

All development activities or site work conducted after approval of the site plan shall conform to the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of storm water runoff from the site, increase the amount of impervious surface within the development, alter the overall density of the development, result in a considerable increase in the amount of excavation, fill, or removal of vegetation during construction, or otherwise result in an alteration of the overall appearance of the development proposed, may be amended only with the approval of the Reservoir Manager or other appropriate regulatory personnel. Minor changes such as realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempt from this requirement.

**Section 6.06.03**      **Exemptions from Site Plan Requirement.**

1. Repairs to a facility that is part of a previously approved and permitted development.
2. Construction of minor structures such as sheds or additions to single-family residences.

**Section 6.07**      **Specific Land-Use Practices.**

This subsection addresses the permissive nature of commonly requested or occurring activities on Project Lands. It is the policy of the Project Partners to authorize certain private uses of Project Lands when these uses or acts are compatible with purposes of the Rules and Regulations, water quality, and the provisions of public law and regulation.

**Section 6.07.01**      **Activities Authorized Without a Permit.**

The following is a non-inclusive list of commonly occurring situations for which permits are not required.

- A.* Native vegetative species may be planted in a random or natural fashion.
- B.* Mowing. Owners of Private Lands are expressly allowed to mow only in open areas generally evolved from agricultural practices that removed tree cover prior to land acquisition by the Project Partners or from tree loss due to fires, diseases or other natural causes. Open areas created by fires, disease or other natural causes must be verified by the Reservoir Manager prior to mowing.
- C.* Landowners adjacent to Project Lands may remove forest litter found on their property which is restricted by a Project Lands easement, only by non mechanized means and methods, other than by utilization of a hand operated chain saw.

**Section 6.07.02**      **Activities Requiring a Permit.**

The following is a non-inclusive list of commonly requested or occurring activities which may be authorized by the Reservoir Manager pursuant to a Specified Act, or Private Shoreline Area Use Permit:

- A.* Erosion control methods such as planting of vegetation, placing water breaks, or placement of stone to reduce rainwater runoff velocity or for shoreline protection may be authorized pursuant to a Private Shoreline Area Use Permit.

**B.** Land formations within the Project Lands may only be modified pursuant to a Private Shoreline Area Use Permit. The best available means of preventing erosion and sedimentation from entering the lake must be installed prior to any land disturbing activity. All areas of bare earth shall be covered with mulch or other non-impervious material immediately and vegetation established as soon as possible.

**C.** Due to their detrimental impact on water quality, chemical products such as pre-emergent weed killers, fertilizers, growth retardants, etc., shall not be used on Project Lands, including areas allowed to be maintained as lawns or gardens, except some topical applications to control noxious species may be allowed pursuant to a Specified Acts Permit.

**D.** Pest and varmint control on Project Lands, including the extermination of forest insects, pets or stray animals, rodents and other health related nuisances, must be authorized pursuant to a Specified Acts Permit.

**E.** The cutting or removal of dead or diseased trees from within the Project Lands must be authorized pursuant to a Specified Acts Permit. The removal of standing dead trees from this area shall only be authorized when such tree(s) poses a threat to persons, personal property or some other authorized activity. If the Reservoir Manager is requested to fell hazardous trees, any subsequent cleanup or removal of the tree is the responsibility of the requesting party.

**F.** Underbrushing shall be permitted pursuant to a Private Shoreline Area Use Permit provided that adequate ground cover is maintained for forest regeneration and the underbrushing can be accomplished without degradation of the site. Approval for underbrushing will be considered on a case by case basis and accomplished through an on-site meeting to develop an underbrushing plan that supports forest management objectives for the particular site.

### **Section 6.07.03      Prohibited Activities.**

The following is a non-inclusive list of commonly requested or occurring activities which are prohibited on Project Lands and Waters:

**A.** Planting of exotic species or non native plants.

**B.** Fires or the burning of debris is prohibited on Project Lands regardless of the lake level except as provided in Section 10 of the Rules and Regulations. County or City burn permits shall not authorize burning.

*C.* No Impervious Surface, septic tank, or septic tank drain field shall be located, by Special Use Permit or otherwise, on Project Lands except by the City in Public Recreation Areas and Public Aid Access Areas and preexisting septic tank drain fields within project lands which lay a minimum of 100 feet from the reservoir.

*D.* The removal of forest humus or mulch is prohibited.

*E.* The clearing of trees to obtain scenic vistas or to establish lawns is prohibited on project lands.

*F.* Except for a maximum of one boat ramp and a dock maintained by or for the City in designated Public Recreation Areas and one boat ramp designated for use by the Reservoir Manager, emergency personnel, and law enforcement, floating or non-floating structures, are strictly prohibited. In addition, overnight mooring of vessels or floatation devices is strictly prohibited.

*G.* No gasoline or diesel powered vessels of any kind or size may be operated in the Hickory Log Creek Reservoir. Any other provision of the Rules and Regulations notwithstanding, the Reservoir Manager, law enforcement, and emergency rescue personnel shall be permitted to maintain and operate gasoline or diesel powered vessels as necessity dictates.

*H.* No sailboats or vessels with a mast of any kind or size may be operated in the Hickory Log Creek Reservoir.

*I.* The cleaning of vessels with soaps and solvents is prohibited.

*J.* Swimming is prohibited. Diving, snorkeling, or scuba diving is prohibited, except as necessity dictates for dam maintenance and emergency rescue personnel.

*K.* Construction of houses, sundecks, docks, porches, swimming pools, walkways or outbuildings partially on Project Lands, and the placement thereon of related debris, fill, septic tanks and drain fields are expressly prohibited.

*L.* The conversion of Project Lands to private use through planting vegetable and flower gardens, clearing trees, or under-brushing without a permit, constructing roadways to the shoreline, and abandoning or disposing of personal property on Project Lands is prohibited.



### **Section 6.08 Violation of Permit Conditions/Unauthorized Use.**

Violations of permit conditions or unauthorized uses shall result in corrective action that may include termination of the permit, removal of private property, restoration of Project Lands and/or other legal action as deemed necessary.

When a permit violation or unauthorized use is corrected, the violator may reapply for a Permit subject to current regulations; however, the Reservoir Manager may consider such violation or unauthorized use as a factor in deciding whether or not to grant or renew such permit. Public utility exceptions for any construction within the Flood Buffer Area or the Natural Buffer Area must have the approval of the Project Partners.

### **SECTION 7.00 SET-BACK.**

Set-back building codes are absolutely necessary to prevent building errors or boundary discrepancies from becoming major encroachment problems. This policy will greatly reduce conflict between the general public, the Project Partners, and the neighboring landowners, as well as reduce the tax and rate payers' share of costs necessary to protect Project Lands around Hickory Log Creek Reservoir. Rear set-backs, established by the Zoning Ordinance of the City, shall be construed as referring to the outer boundary of Project Lands as if such Project Lands were owned by the Project Partners, and enforced accordingly. The City shall amend their applicable ordinances so as to establish minimum requirements for the area lying between the 1060' MSL Line and a parallel line running 150 feet from the 1060' MSL line so as to prevent the construction of any impervious surfaces or the installation of any septic tanks or septic tank drainfields within 150 feet of any point along the 1060' MSL line thereby creating a 150-foot natural, undisturbed buffer.

### **Section 7.01 Pre Existing Land Uses**

All other sections of this plan notwithstanding: certain pre-existing non-conforming land uses, including but not limited to lawns, gardens, landscaping, septic tanks, and septic tank drain fields existing prior to promulgation of this plan, may be exempted from applicable provisions of this plan. Exemption of such prior existing land uses will require:

- A. Written documentation that the land use existed prior to promulgation of this reservoir management plan.
- B. Determination, subject to concurrence by the Reservoir Manager, that the land use does not impair water quality.
- C. Survey, plat or other documentation delineating the location of the area in which the exemption applies.
- D. Written documentation of the applicable exemption.
- E. Written approval of the exemption by the City of Canton.

Exemptions for pre-existing land uses may, with approval of the City of Canton, be in the following forms: (a) an exemption which retains the standard 150 feet wide buffer which allows the exempted land use to remain in place within the buffer, or (b) reduction of buffer width to less than 150 feet wide such that the non-conforming land use is outside the designated buffer. A record of all non-conforming land uses shall be kept on file in the office of the reservoir manager.

## **SECTION 8.00      BOUNDARY CONTROL.**

Questions may arise concerning the Project's boundaries. The Project was surveyed and monumented during the land and easement acquisition phase. Boundaries of land owned in fee simple by the Project Partners consist of straight lines between points that approximate the normal pool elevation of 1060' MSL. These points may be represented on the ground by either angle iron or monuments. Project Lands shall consist of all land extending for a distance of 150 feet from the 1060' MSL line.

A private survey should be obtained prior to any construction on Private Land or adjacent to Project Land. Information related to the Project's boundaries may be obtained at the Reservoir Manager's office.

## **SECTION 9.00      ENCROACHMENT RESOLUTION.**

Unless permitted in writing by the Reservoir Manager, items of realty or personalty placed on Project Lands longer than 24 hours constitute an encroachment and shall be subject to summary removal and impoundment at the owner's expense. Impounded items will ultimately be disposed of if not claimed. Encroachments are classified as either major or minor.

### **Section 9.01   Minor Encroachments.**

Minor encroachments are portable personal properties. The Project Partners generally prefer to return minor encroachments to private owners. Abandoned personal property often takes the form of solid waste such as rubber tires, Styrofoam, lumber, steel, furniture, building debris, etc. Solid waste shall be disposed of by the Project Partners.

### **Section 9.02   Major Encroachments.**

Major encroachments are items of substantial value or more permanent in nature, such as improvements or fixtures on the land. An unpermitted major encroachment may result in the filing of a civil action to enforce removal. Major encroachments generally include, without limitation, docks, storage sheds, swimming pools, decks, screen porches, houses and garages.

## **SECTION 10.00      FOREST MANAGEMENT.**

Project Lands shall be managed to attain multiple benefits. Project Lands shall be developed and maintained to assure adequate forest resources to provide water quality protection. Forest products are not a focus of the Project Partners; rather all forest management goals shall have the primary focus of protecting water quality within the Reservoir. Additional goals of forest management shall be aesthetics, wildlife benefits, air and water quality, soil erosion, and outdoor recreation experiences.

Implementation of forest management objectives shall be accomplished on lands owned in fee simple by the Project Partners utilizing a variety of methods including selective thinning to reduce basal area and increase stand vigor and regeneration to establish cover on unforested areas and replace mature stands. On Private Lands, implementation will consist of enforcement of the Rules and Regulations.

*A.*      “Public Recreation Area” forest management objectives shall be to maintain a healthy, vigorously growing forest capable of supporting pressure from recreational use. The preferred density for stands in those areas should provide a 60/40 relationship between shade and sun and can be achieved with a basal area of 60 square feet per acre. In Public Recreation Areas, the objective is to carry a healthy vegetative cover capable of supporting future development and low-density recreational use.

*B.*      “Prohibited Shoreline Area” and “Protected Shoreline Area” forest and vegetative management objectives shall be to sustain a healthy, vigorously growing, unevenly-aged, aesthetically pleasing forest. Management practices shall include those necessary to provide protection from fire, insects, disease, and other threats to allow for appropriate harvest of trees and to regenerate forest stands.

*C.*      “Private Shoreline Area” forest and vegetative management objectives at Hickory Log Creek Reservoir are to sustain a healthy, vigorously growing, unevenly-aged, aesthetically pleasing forest capable of supporting recreational use. In such areas underbrushing may be permitted provided that adequate ground cover is maintained for forest regeneration and the underbrushing can be accomplished without degradation of the site. Approval for underbrushing shall be considered on a case by case basis and accomplished through an on-site meeting to develop an underbrushing plan that supports management objectives for the particular site. The cutting of dead or diseased trees which pose a threat to persons or property should they fall may be authorized in these areas. Clearing to obtain scenic vistas or to establish lawns is not permitted. Removal of forest humus or mulch is prohibited since it results in sheet erosion, root damage, and soil compaction. Areas presently modified to provide vistas or lawns shall be authorized for continued maintenance.

## **SECTION 11.00      WILDLIFE MANAGEMENT.**

Successful wildlife management at the Hickory Log Creek Reservoir can best be achieved by integrating wildlife programs with effective forest management. The goal of wildlife management is developing, improving, and maintaining vegetative communities that will serve diverse wildlife. Fulfillment of this goal will provide enhanced opportunities to observe wildlife and to engage in other non-consumptive uses such as photography and nature study.

Hunting and trapping are prohibited unless an emergency permit is issued for the control of overpopulation. All Federal, state and local laws governing these activities apply on Project Lands and Project Waters, as regulated by authorized enforcement officials.

In keeping with the promotion of a diverse wildlife community, the Project Partners may manipulate habitats. Active management includes providing deficient habitat components, such as installing nesting structures or food plots. Since Protected Shoreline Areas and Private Shoreline Areas tend to receive stress from human activity, the Project Partners encourage and authorize the planting of native vegetation consistent with the Project Partners Forest Management Practices, (see Section 10.00 Forest Management). Snag or dead trees not endangering life or property may be purposely left to benefit both birds and mammals.

Wildlife population regulation, especially game species, is the responsibility of the Georgia Department of Natural Resources. The Project Partners shall cooperate to support state efforts with population regulation by providing habitat for the production of game species for off-site utilization and assisting with the control of pest species.

## **SECTION 12.00      FISHERIES MANAGEMENT.**

Fisheries management is implemented to enhance and maintain existing fisheries habitat. Habitat enhancement is accomplished by conducting various practices such as water level management for stabilizing spawning habitats, installation of fish attractors, and planting native vegetation for erosion control and habitat.

## **SECTION 13.00      WATER QUALITY.**

Water quality management at Hickory Log Creek Reservoir is a complex and challenging task due largely to the potentially varied human activity both in and around the Reservoir. The Project Partners goal for this management responsibility is to promote water quality adequate for safe and healthy public use as well as conservation of wildlife, fish, and other beneficial aquatic life. To achieve this goal, the Project Partners strive to maintain compliance with Federal and state water quality laws as they relate to specific operations. Protection of Project Waters is promoted by the following activities: enforcement of Project

water pollution regulations, periodic water quality assessment, implementation of solid waste abatement programs for the shoreline, and promotion of environmental awareness. Additionally, the Project Partners shall maintain cooperative relations with other water quality management agencies. The Reservoir Manager shall have the authority to prohibit any vessel or flotation device deemed unsafe or hazardous to water quality from operation in the Project Waters.

City personnel are authorized to enforce laws and regulations which prohibit the discharge of pollutants in and onto Project Lands and Waters. As situations dictate, City personnel shall conduct preliminary investigations of violations on or near the Project Lands and Waters and forward their findings to agencies with appropriate jurisdiction for continued investigation and enforcement.

City regulations prohibit the discharge of sewage, garbage, and other pollutants from vessels into Hickory Log Creek Reservoir. Hickory Log Creek Reservoir shall be a **zero-discharge** water body for all vessels. **No gasoline or diesel powered vessels of any kind or size may be operated in the Hickory Log Creek Reservoir.** Any other provision of the Rules and Regulations notwithstanding, the Reservoir Manager, law enforcement, and emergency rescue personnel shall be permitted to maintain and operate gasoline or diesel powered vessels as necessity dictates.

Septic tanks or drain fields shall not be permitted on Project Lands. These measures will reduce infiltration of septic tank contents into lake water. Health officials with jurisdiction over lands adjacent to Project Lands shall prohibit new septic tank systems or drain fields on Project Lands regardless of property ownership. The only exception to this general rule shall be septic systems installed on project lands by the City in Public Recreation Areas and Public Aid Access Areas. Pre-existing septic tank drain fields which lay a minimum of 100 feet from the reservoir shall also be exempted.

Cleaning vessels with soaps and solvents on the shoreline pollutes the Reservoir. This activity and the unauthorized use of insecticides, herbicides, pre-emergents and fertilizers are prohibited by regulation. Application of the above chemicals and construction on adjacent private property has strong potential to disperse pollutants into the Reservoir.

Any incident of littering, water pollution, or any other act or omission, after a warning, which threatens water quality, in addition to any other punishment provided by other local, state or Federal law, may be punishable by the maximum fine of \$1,000.00 allowed by law pursuant to O.C.G.A. Section 15-10-60, et seq.

#### **SECTION 14.00**      **WETLANDS.**

The term "wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetlands in, on, or around Hickory Log Creek Reservoir provide significant natural biological functions including food chain production; general habitat for aquatic and land species such as nesting, spawning, rearing and resting sites; and serve to purify water.

No permit shall be granted which involves general or specific use or alteration of wetlands unless prior written approval is obtained from the United States Army Corps of Engineers.

**SECTION 15.00      AQUATIC WEEDS.**

Nuisance aquatic weeds may invade the Project. The transport of such weeds is possible, and low areas may eventually have seasonal problems unless the public inspects and cleans boats and trailers after visiting other waterways known to have aquatic weed pests. Of most concern are hydrilla and Eurasian watermilfoil.

**SECTION 16.00      ENDANGERED SPECIES.**

It is the intention of the Project Partners to conserve threatened and endangered species and the ecosystems upon which those species depend. No permit shall be granted that poses any danger to the habitat(s) of any endangered species. Any permits issued in violation of this Section shall be rescinded.

**SECTION 17.00      CULTURAL, HISTORICAL AND ARCHEOLOGICAL.**

It is the intent of the Project Partners to protect historical sites and recover historical and archeological data. No permit shall be granted, and if previously granted shall be rescinded, if it is determined that the permit infringes upon a historical or archeological site.

**SECTION 18.00      ISLAND MANAGEMENT.**

Hickory Log Creek Reservoir may have several islands that provide scenic value, provide wildlife habitat, serve as buffer between developments, and afford day-use recreational activities. Day-use activities consist of fishing, sunbathing, hiking, bird watching, picnicking, etc. Neither fires nor camping, including the erection of any type tent, are permitted on islands.

The practice of island camping is prohibited due to the inability of local law enforcement agencies to provide adequate patrol, plus lack of sanitation facilities and potable water.

**SECTION 19.00      COMMERCIAL ACTIVITY.**

Commercial activity shall be prohibited on all Project Lands and Waters except as authorized, pursuant to appropriate licensure by the City and permitting by the Reservoir Manager.

**SECTION 20.00      REGULATORY BUOYS.**

The placement of regulatory buoys such as “no wake” or “restricted access” buoys shall be accomplished by the Project Partners with the concurrence of the Georgia Department of Natural Resources, Wildlife Resources Division. It is the intent of the Rules and Regulations to provide for general public boating safety.

**SECTION 21.00      ADMINISTRATIVE REVIEW.**

Recommendations made by the Project Partners’ field personnel are subject to review by supervisory and managerial staff. Review may be requested of any decision made at the field level. If reviews made by supervisory and/or managerial personnel are not deemed adequate, then the complaint may be forwarded to the City Council for further review and response. The administrative review process shall be deemed exhausted at the City Council level.

**SECTION 22.00      ENFORCEMENT OF PLAN.**

Violations of this Plan or the Rules and Regulations shall be tried in the City Court pursuant to O.C.G.A. § 36-32-1 *et seq.*

Any person who violates any provision of the this Plan or the Rules and Regulations may be punished by a fine of not more than \$1,000.00, or imprisonment for not more than sixty (60) days, or both, and may be tried and sentenced in accordance with the provisions of the laws of the State of Georgia. Persons designated by the Project Partners shall have the authority to issue citations for violation of this Plan or the Rules and Regulations requiring the appearance of any person charged with the violation to appear before the City Court.

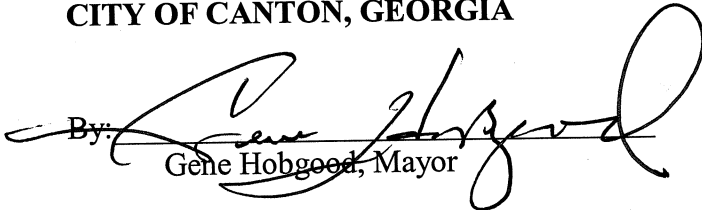
**SECTION 23.00      SUMMARY AND AMENDMENT PROCEDURE.**

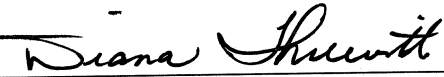
The City of Canton is charged with protecting and managing Hickory Log Creek Reservoir. It is the intent of this Plan and the Rules and Regulations to provide the maximum benefit to the public and to balance needs against the physical limitations and natural qualities of the Project. In formulating their Plan, present and future needs were considered. The Reservoir Manager shall continually monitor the needs of the Project’s users and recommend revisions that will minimize conflicts between various interests. Minor changes in area limits or allocations of areas will continue to be approved by the Reservoir Manager and reported to

the City annually. In adopting any major revision to the Reservoir Management Plan or the Rules and Regulations, all proposed revisions shall be publicly announced for review and comment prior to being considered at public hearings conducted by the City.

ENACTED AND ADOPTED THIS 21 DAY OF MAY, 2009.

**CITY OF CANTON, GEORGIA**

By:   
Gene Hobgood, Mayor

Attest:   
Diana G. Threwitt, Clerk

(CITY SEAL)



**EXHIBIT "A"**  
**MAP OF HICKORY LOG CREEK RESERVOIR**  
**(ATTACHED)**

